

PATENT APPLICATION

042390.P9741

Remarks

Reexamination and reconsideration of this application, as amended, is requested. Claims 1-21 remain in the application. No new claims have been added or canceled.

Applicants believe there is no charge for this response because no new claims have been added.

Support for Amendments

As indicated above, claims 1-18 have been amended. Support for the amendments is shown at least by the examples illustrated in FIGs. 1-2 and described on page 6, line 19.

Applicants respectfully submit that no new matter has been added.

Response to the 35 U.S.C. §102(b)/103(a) Rejection

The Office Action rejects claims 1, 3, 5, and 6-21 under 35 U.S.C. §102(b) as being anticipated by Selin et al. (US 5,903,849). The Office Action also rejected claim 2 under 35 §103(a) over Selin et al. in view of Kahlaniemi and claim 4 in view of Selin et al. Applicants believe this rejection has been overcome in view of the amendments made above and the remarks that follow.

As is well-established, in order to successfully assert a *prima facie* case of anticipation, the Office Action must provide a single prior art document that includes every element and limitation of the claim or claims being rejected. Therefore, if even one element or limitation is missing from the cited document, the Office Action has not succeeded in making a *prima facie* case.

Applicants begin with claim 1. Claim 1 specifically recites:

"An mobile communication device comprising:

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a first processor adapted to execute a user application;
a second processor adapted to process a wireless communication, wherein
the second processor is capable of initiating the wireless communication
independently of the first processor; and
an input port coupled to the first processor and the second processor."

It is respectfully asserted that, as one example, Selin et al fails to meet either expressly or inherently the limitation that the first processor and the second processor are within a mobile communication device.

As described by the Office Action, Selin et al. teaches two separate and discrete devices, each having a processor. In particular, the Office Action states that the data terminal or fax machine contains the first processor and the mobile phone contains the second processor. Thus, at a minimum, Selin et al. does not teach or suggest a mobile communication device in accordance with claim 1, 12, or 18.

Therefore, Applicants respectfully submit that Selin et al. cannot anticipate Applicants' independent claims and corresponding dependent claims. In addition, Applicants respectfully submit that Selin et al. when combined with the other documents cannot make claims 2 or 4 obvious. Additional arguments to distinguish the cited patents from claim 1 could have been made, but it is believed that the foregoing discussion is sufficient to overcome the Examiner's rejection.

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Conclusion

The foregoing is submitted as a full and complete response to the Office Action mailed October 2, 2003, and it is submitted that claims 1-21 are in condition for allowance. Reconsideration of the rejection is requested. Allowance of amended claims 1-21 is earnestly solicited.

Should it be determined that an additional fee is due under 37 CFR §§1.16 or 1.17, or any excess fee has been received, please charge that fee or credit the amount of overcharge to deposit account #02-2666.

If the Examiner believes that there are any informalities which can be corrected by an Examiner's amendment, a telephone call to the undersigned at (480) 554-9732 is respectfully solicited.

Respectfully submitted,

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